

Churchill, Brian (DNREC)

From: Churchill, Brian (DNREC)
Sent: Tuesday, November 5, 2019 1:50 PM
To: 'Chris Edginton'
Subject: Clean Delaware request to Amend Agricultural Utilization Permit AGU 1702-S-03

Categories: Egress Switch: Unprotected
Switch-MessageId: a5d7d97e280d4ef4ade4c736053fcd03

Good morning Mr. Edginton,

Please see the below link for the Clean Delaware Public Hearing Legal Notice:

<https://dnrec.alpha.delaware.gov/2019/10/27/public-hearing-request-to-amend-renew-existing-agricultural-utilization-agu-permit-docket-2019-p-w-0023/>

Thank you,

Brian Churchill
Environmental Scientist
Surface Water Discharges Section
Division of Water
Voice: (302) 739-9946 Fax: (302) 739-8369

Dear Mr. Churchill,
We are writing in response to the Agricultural Utilization Permit - Request for Amendment - Clean Delaware, LLC.

Dear Mr. Churchill,

We do not think that Clean Delaware, LLC's recent Request for Amendment should be granted. The Deputy Secretary of DNREC, Lisa Borin Ogden, told us, at a small meeting in the Milton Library, that they would be charged and fined for permit violations. All requests by Clean Delaware should be denied until outstanding fines are paid.

Living less than a mile, (due east as shown on the August 2017 Groundwater Flow sketch by Duffield Associates) from Clean Delaware's Milton Farm has decreased our property values. Within 2 years the nitrates in our new home rose from 3 ppm to above 10 ppm. To have safe drinking water, we had to spend \$800 to install a reverse osmosis, under the sink water filtration system. Not everyone in my neighborhood can afford to do this. Homes with polluted wells in the Collins and Russell neighborhood should be connected to public water at Clean Delaware's expense before they can continue spraying or applying residuals. Please see the attachment for well nitrate values in my neighborhood.

Why has my neighbor Anthony Scarpa's, FOIA request for Clean Delaware's monitoring well data, from the summer of 2018 been denied all the way to the state Attorney Generals' office? Apparently, the files are "Under Investigation" so they cannot be shared. At the very least this should stop further permits from being issued. DNREC's denying of FOIA requests appears to us as favoring business over citizens' rights. We demand MUCH MORE transparency.

Currently, Clean Delaware is authorized to dispose of stabilized sludge, wastewater treatment residuals and other land treatable wastes approved by DNREC. Clean Delaware's regime of stabilizing these wastes with lime, holding them for as little as a day before land application is not the current best practice. These methods of waste disposal continue to contaminate our ground and surface water and is not suited to our Coastal Plain Geology and very high-water table. Spray irrigation effluent passes relatively quickly into the aquifers and into shallow residential wells which are extremely susceptible to this contamination method. Even some local deeper (over 200 feet) residential wells in the Pemberton community, have nitrate levels above 20 ppm. We believe Environmental Impact and Public Health evaluations should be conducted before Clean Delaware can continue any disposal at the Milton Farm.

The Clean Delaware Milton Farm has a history of nitrate and Enterococcus contamination that has moved downstream to the east into private wells in our neighborhood (Collins and Rusell). An effort was made to test local wells in 2018 and some of the results can be seen on the attachment with nitrate levels well above the safe level (as if any levels are truly safe). Spray irrigation of sludge and septic wastewater (includes human waste) should be stopped until public health evaluation and well testing is complete, and all the test wells have acceptable readings. Clean Delaware can transport their wastewater and sludge to a municipal wastewater treatment plant as they do at their other locations. Spray irrigation and land application is no longer safe at this location. Public health interests should be protected BEFORE corporate!

I believe there is a groundwater plume of contaminated water that has been flowing from Clean Delaware's actions and it needs to be tested, explored and mapped before any further application. Let us hear how DNREC will begin to protect residents from Clean Delaware's polluting ways. Granting this permit allows Clean Delaware to contaminate more groundwater. Given the current state of contamination a 500' buffer to a property line is insufficient.

Maryland's updated Agriculture Operation Nutrient Management Plan prohibits nutrient application from mid-December until the end of February except under special circumstances. Their storage capacity for the effluent is 75 days not 45 days as in Delaware. How does Clean Delaware handle their application during the Winter?

To address Mr. Desmond's requests directly and specifically to Clean Delaware's permit Request for Addendum of 2016, as outlined in his August 9, 2019 letter to Mr. Brian Churchill:

#3. Deny this request, more testing should be done, not less. Quarterly testing is not enough for nutrients, monthly is better, and five years for metals is too long, how can problems be handled in a timely manner?

#6. Fields 5, 6 and 7 have the greatest impact on my neighborhoods wells given the direction of Groundwater flow as found on the August 2017 Groundwater Flow sketch by Duffield Associate. We request closing Fields 5, 6 and 7 due to their proximity to my neighborhood and location directly upstream of the eastward groundwater flow.

The "additional safeguard" quoted in the August 25 Request for Amendment, needs to be specified. In addition, make the nutrient uptake plans made public on a regular basis. Make the Project Development Report of 2016 readily available to the public, as well as all test/monitoring wells data.

One final thought, when was the last time a permit of this kind was denied? From my point of view DNREC permit hearings are places where the public can vent but no weight is given to their concerns. Where can we see how these letters are reviewed and a decision made? We love and support our local businesses, but we expect them to be responsible neighbors too. If they can't be trusted to honestly and accurately self-monitor, to not contaminate our water and air or create public health hazards than DNREC must act. We see very little DNREC actions that supports the residents' concerns over corporations' and despair that DNREC can't or won't change. This may be the time for the function of protecting the health and environment to move to another more capable

and neutral state entity. The right to clean water and air is a basic human civil right. We believe Clean Delaware has violated this right in our neighborhood and it is DNREC's duty to stop further contamination.

Thank you for this opportunity to express our grave concerns on this Request for Admentment.

Sincerely,

Christopher Edginton and Gail Salomon, 14440 Slim Street, Milton, Delaware, 484-794-2187